

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA and
the States of CALIFORNIA,
CONNECTICUT, FLORIDA,
ILLINOIS, MASSACHUSETTS,
MICHIGAN, NEW YORK, OHIO,
RHODE ISLAND, and TEXAS, and
the Government of PUERTO RICO, *ex
rel.* MSP WB, LLC and MICHAEL
ANGELO.

Civil Action No. 19-12165
Hon. Arthur J. Turnow
Mag. Judge R. Steven Whalen

Qui tam Plaintiffs-
Relators,

v.

UNDER SEAL DEFENDANTS 1 -
317,

Defendants.

**AMENDED JOINT NOTICE OF ELECTION TO DECLINE
INTERVENTION¹**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), Michigan's
Medicaid False Claim Act, M.C.L. 400.610a, and the False Claims Acts of
California, Connecticut, Florida, Massachusetts, New York, Rhode Island, Puerto

¹ This joint notice replaces the notice filed at Docket Number 21. The caption on Docket Number 21 did not accurately list all of the parties added by the Amended Complaint.

Rico and Texas, the United States of America (“United States”) and Michigan, California, Connecticut, Florida, Massachusetts, New York, Rhode Island, Puerto Rico, and Texas (“States”) hereby notify the Court of their respective decisions not to intervene in this action.

The Complaint was filed in July 2019 naming the United States and the State of Michigan as plaintiffs. On March 9, 2021, the United States and Michigan notified the Court of their decision not to intervene. Thereafter, Relator filed an Amended Complaint which includes additional plaintiffs. The United States and Michigan, California, Connecticut, Florida, Massachusetts, New York, Rhode Island, Puerto Rico, and Texas have reviewed the Amended Complaint and have elected to decline intervention in the Action.

Although the United States declines to intervene, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Additionally, M.C.L. 400.610a(1) permits the relator to maintain this action in the name of the State of Michigan; providing, however, that the action may be dismissed only if the Attorney General for the State of Michigan is notified and given an opportunity to oppose the dismissal. The analogous statutes of California, Connecticut, Florida, Massachusetts, New York, Rhode Island, Puerto Rico, and Texas similarly allow the relator to maintain the action in the name of the states; providing, however, that the action may be dismissed only if they are notified and given an opportunity to oppose the dismissal. *See, e.g.*, N.Y. State Fin. Law § 190(5)(a); Fla. Stat. § 68.083(2).

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to its counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Likewise, the Attorney General for the State of Michigan, pursuant to M.C.L. 400.610a(6), requests that her office be served with copies of all pleadings and court orders filed in this action. The Michigan Attorney General also requests that her office be served with all notices of appeal. California, Connecticut,

Florida, Massachusetts, New York, Rhode Island, Puerto Rico, and Texas also request that the same rights be afforded to them.

A proposed order accompanies this notice.

Respectfully submitted,
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Acting United States Attorney

Date: 8/9/2021

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Certification of Service

I hereby certify under penalty of perjury that on August 9, 2021, this Joint Notice Of Election To Decline Intervention and the Proposed Order will be served by first class mail, postage prepaid, upon Relator at:

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/s/ Aida Garmo
Legal Assistant